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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,053	07/10/2006	Wilhelm Friedrich Lauener	LUS-16713	5319
40854 7590 03/03/2009 RANKIN, HILL, & CLARK LLP 38210 Glenn Avenue WILLOUGHBY, OH 44094-7808				
EXAMINER				
LIN, KUANG Y				
ART UNIT		PAPER NUMBER		
1793				
MAIL DATE		DELIVERY MODE		
03/03/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/597,053

Applicant(s)

LAUENER ET AL.

Examiner

Kuang Y. Lin

Art Unit

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S509)
Paper No(s)/Mail Date 7/10/06 & 8/11/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

1. The drawing is objected to in that the claimed features of claim 6, 17 and 28 are not shown. Correction is required. Rule 1.83.
2. Applicant is requested to provide in the specification headings, such as "background of the invention", "summary of the invention", "brief description of the drawings", "detailed description of the drawings" to render the specification in a better format.
3. It is noted that in page I, 1st para. and page 8, 3rd para. of the specification, they recites claims 1, 4 and 28. Applicant is reminded to amend the specification when claims were amended to commensurate with the scope of the claims.
4. The specification is objected to under 35 U.S.C. 112, 1st para. in that in page 13, 1st para. it is written in a non-idiomatic manner such that render the meaning vague and indefinite. Applicant is required to correct this and other errors which might occur throughout the specification.
5. Claims 1-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Those claims are written in a narrative format rather than an objective format and thereby they do not positively and directly include all the process steps or elements which are referred thereto. Further, in claim 1, it recites a caterpillar casting method. However, there is no casting step for forming the article. In claim 4, line 6, claim 5, line 2, claim 7, line 5, claim 8, line 3, claim 19, line 4, claim 20, line 4, claim 21, line 4, the expression of "preferably" is deemed to be

indefinite since it is not clear what scope is claimed. In claim 6, it is not clear what structure is claimed and where the antecedent in the specification for the claimed feature is. In claim 7, item (B), the expression of "without any mechanical fixation" is deemed to be indefinite since there are numeral methods for putting blocks together without any mechanical fixation, for example, by welding or bonding. Further, in item (C), line 2, the "bottom surface" shall be changed to "mold section at the lower path" since it is not clear which "bottom surface" is referred to. In claim 15, last few lines, it recites "in an analogous manner to those of the upper casting caterpillar". However, there is no recitation in the claim how the blocks in the upper casting caterpillar are exchanged. In claim 17, it is not clear what structural arrangement is referred to and there is a lack of antecedent in the specification for the claimed feature. In claim 21, there is a lack of antecedent in the specification for the claimed feature. In claim 22, the expressions of "or if necessary " and "depending on" are deemed to be indefinite since it is not clear what scope is claimed. Also, in last two lines it is not clear what structure is claimed. In claims 23 and 24, what further structures are claimed? In claim 25, last two line, what is the meaning of "the toothing of the chain wheels"?

6. Claims 1-28 contain allowable subject matter and will be allowed upon the objection to specification and rejection to the claims supra are overcome.
7. JP 55-133,852 is cited to show the state of the art.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuang Y. Lin whose telephone number is 571-272-1179. The examiner can normally be reached on Monday-Friday, 10:00-6:30,.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica L. Ward can be reached on 571-272-1223. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kuang Y. Lin/
Primary Examiner, Art Unit 1793

2-27-09